IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19432 of 2007(L)

PETITIONER:

E.M. KUTTY HAJI, AGED 46 YEARS,
S/O. ABDULLA, SECRETARY, ISLAHUL ISLAM SANGHAM,
KOTTAPURAM, KASARAGOD DISTRICT.

BY ADV. SRI.C.KHALID

RESPONDENTS:

1. E.K. MOHAMMED KUNHI, AGED 54 YEARS,
   S/O. T.C.AHMED HAJI, IDAKKIL KOTTAYIL,NEELESWARAM,
   HOSDURG TALUK, KASARGOD DISTRICT.

2. T. KUNHABDULLA, AGED 68 YEARS,
   S/O. K.M.KUNHAMU, THATTEL HOUSE, NEELESWARAM,
   HOSDURG TALUK, KASARGOD DISTRICT.

3. E.K. KUNHABDULLA HAJI, AGED 43 YEARS,
   S/O. T.C. MAMMU, IDAKKIL HOUSE, NEELESWARAM,
   HOSDURG TALUK, KASARGOD DISTRICT.

4. E.K. KAREEM HAJI, AGED 60 YEARS,
   S/O. T.C.AHMED HAJI EDAKKIL HOUSE, KOTTAPURAM,
   NEELESWARAM.

5. K.P. AMER HAJI, AGED 49 YEARS,
   S/O. MOHAMED HAJI, TREASURER,ISLAHUL ISLAM SANGHAM
   KOTTAPURAM, NEELESWARAM.

6. THE WAKF BOARD,
   REPRESENTED BY CHIEF EXECUTIVE OFFICER,ERNAKULAM.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.19432 of 2007

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Dated this the 28th day of June, 2007

J U D G M E N T

The petitioner claims to be the present Secretary of a Wakf. The petitioner filed O.P.No.72/2006 before the Wakf Board for appointing an interim receiver and interim *Mutuwalli* to discharge the functions of the committee. However, the Board appointed an Estate Officer without specifically directing the Estate Officer to convene the General Body Meeting and to make arrangement for conducting election. Petitioner's contention is that without conducting election, Wakf cannot be properly administered. In the above circumstances the petitioner has sought the following reliefs in this writ petition:

> "i) to call for the records from original petition No.78/06 and quash the proceedings as unsustainable in law redundant in effect and improper in motive.

ii) to declare that the appointment of the competent Estate Officer who is no less a person than a member of the Bar is adequate and reasonable and he is also entitled to take all necessary steps to implement the rules and regulations approved by the General Body and governing the Wakf Institution including the convention of the General Body and conduct of a fare election.

iii) to stay the further proceedings in original petition No.78/06 till the disposal of this writ petition.

AND

iv) to direct the Wakf Board to make necessary alteration or modifications in the Exhibit-P1 order enabling the Estate Officer already appointed and functioning to conduct a fare and proper election in the interest of Wakf."

2. The learned Standing Counsel appearing for the Wakf Board submits that orders passed are only interim orders and the petitioner can raise all his contentions while the matter is finally heard. The learned Standing Counsel submits that the Board would require 3 months' time to pass final orders. The learned counsel for the petitioner submits that the Board may be directed to pass final orders within one month.

3. Taking into account the facts and circumstances of the case, I direct the Wakf Board to pass final orders in O.P.Nos.72/2006 and 78/2006

as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. Needless to say, all parties shall file their pleadings on the dates fixed for that purpose without asking for adjournment to facilitate disposal of the original petitions as directed above.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE